

ways and Motor Traffic, to whom was referred

S. C. R. No. 34, Granting permission to Mrs. Alma Besch to sue the State Highway Department, and fixing jurisdiction in Travis County.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOPKINS, Chairman.

Committee Room,
Austin, Texas, April 10, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

S. B. No. 273, A bill to be entitled "An Act to amend Section 3 of Article 4725 of the Revised Civil Statutes of Texas, 1925, as amended by Chapter 153 of the General Laws of the Regular Session of the Forty-second Legislature of Texas. etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that committee substitute do pass in lieu thereof, and be printed.

COLLIE, Chairman.

Minutes of Committee Meetings.

Minutes of the Committee on Finance,
Held April 10, 1935.

Regular Meeting.

Present: Redditt, Beck, Duggan, Holbrook, Hornsby, Martin, Poage, Regan, Hill, Stone, Van Zandt, and Sulak.

Absent—Excused: Hopkins, Oneal, Rawlings, Sanderford, Woodruff, Burns, Hughston, Neal, and Small.

H. B. No. 407 was reported favorably with committee amendments.

H. C. R. No. 77 was reported favorably.

S. B. No. 469 and S. B. No. 494 were reported favorably.

NOEL K. BROWN, Secretary.

FORTY-NINTH DAY.

(Continued.)

Senate Chamber,
Austin, Texas,
April 12, 1935.

The Senate met at 10 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Walter F. Woodul.

Senate Resolution No. 71.

The Chair recognized Senator Hornsby to send up the following resolution:

Whereas, Honorable Ralph H. Durkee, President of the Fiesta San Jacinto Association, will be in the City of Austin on April 12; and,

Whereas, The Honorable Ralph H. Durkee is desirous to appear before the Senate for the purpose of presenting passes and invitations to the members of the Senate for the Fiesta at San Antonio, Texas; therefore be it

Resolved by the Senate, That the Honorable Ralph H. Durkee and his party be extended the privileges of the floor and that he be invited to address the Senate briefly at 11 o'clock a. m., Friday.

HORNSBY.

Read and adopted.

The Chair appointed Senators Hornsby, Cotten and Westerfeld to escort the visitor to the platform.

Lieutenant Governor Walter F. Woodul presented Senator Hornsby who in turn presented Hon. Ralph Durkee, who delivered the following invitation:

Gov. Woodul, Members of the Senate.

The officers and directors of the Fiesta San Jacinto Association are greatly honored in being permitted to come before you. I am not unmindful that you have interrupted a busy session to permit me to address you.

For 44 years the people of San Antonio have annually celebrated the victory of General Sam Houston at San Jacinto. In pageantry, parade and pilgrimage they have kept alive the memory of those brave men and fearless women who founded our State and whose patriotic impulses and tireless efforts should ever remain before us as examples of true patriotic devotion.

The people of San Antonio as are all Texans, are looking forward to their part in the Centennial.

This year the Fiesta program is planned as a prelude to San Antonio's part in that event.

It seemed fitting to the officers and directors of the Fiesta that the eyes of the Nation should be turned

toward Texas and especially upon our immortal shrine—The Alamo.

At the same time it seemed proper that recognition might be given those who occupy positions of distinction or who have contributed to the renown of Texas.

Invitations have therefore been issued to one of the most striking events of Fiesta, The Pilgrimage to the Alamo, where each year groups and individuals pile high before the sacred portals of the Alamo the fragrant flowers of Texas.

We have come today to present you with your individual invitations.

We wish we might grasp the hand of each of you with this presentation.

These invitations are limited in number and have been issued only to those who by virtue of the position they occupy or due to the fact that they have rendered some outstanding service to Texas, are entitled to one.

They have been presented to President Roosevelt, members of the Cabinet, governors of all the states, members of the Centennial Commission, scholars, authors, sculptors, painters, and soldiers, and persons in every field who have performed some service for Texas.

The painting of the Alamo is a new one, executed especially for this invitation. The story of the Pilgrimage and the Alamo are especially appropriate.

This is not just another invitation. It is our invitation, expressed in a beautiful form, and as full of feeling as we are capable of planning, to you, fellow Texans, to join with us in the Pilgrimage to the Alamo, there to lay flowers in memory of those who gave their lives for Texas.

Senate Resolution No. 72.

Senator Burns sent up S. R. No. 72 in memory of Hon. Ward B. Templeton.

S. R. No. 72 was read and unanimously adopted by a rising vote.

House Bill No. 444.

Senator Shivers moved the adoption of the Conference Committee report on H. B. No. 444.

The motion prevailed by the following vote:

Yeas—22.

Burns.	Oneal.
Collie.	Pace.
Cotten.	Poage.
Davis.	Rawlings.
Duggan.	Redditt.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Sulak.
Martin.	Westerfeld.
Neal.	Woodruff.

Nays—1.

DeBerry.

Absent—Excused.

Beck.	Regan.
Blackert.	Stone.
Fellbaum.	Van Zandt.
Moore.	

Senate Bill No. 366.

Senator Westerfeld moved that the Senate do concur in House amendments to S. B. No. 366.

Motion pending.

Motion for Executive Session.

Senator Oneal asked unanimous consent that the Senate go into executive session at 10:12 o'clock a. m., for the purpose of considering Governor's nominations.

Unanimous consent was granted.

After Executive Session.

The Secretary of the Senate informed the Journal Clerk that the following action had been taken in executive session:

Committee Room,

Austin, Texas, April 8, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Governor's Nominations, to whom was referred the following appointments, have had same under consideration, and I, as chairman of said committee, am instructed to report same back to the Senate with the recommendation that they be in all things confirmed:

To be members of the State Planning Board:

W. M. Massie, of Fort Worth, Tarrant County, Chairman, for a term of 4 years;

Wilbur Hawk, of Amarillo, Potter County, for a term of 4 years;

E. L. Kurth, of Lufkin, Angelina County (reforestation), for a term of 2 years;

To represent Labor: Wallace Reilly, of Dallas, Dallas County (2 year term);

Identified with Agriculture: R. C. Hopping of Lubbock, Lubbock County (2 year term);

Hull Youngblood, of San Antonio, Bexar County, for a term of 4 years.

To be Commissioners of Pilots for Galveston and Texas City:

(These appointments made on recommendation of State Senator and Representatives as provided by statute.)

Mr. J. H. Langben, Galveston, Galveston County;

Mr. Peter M. Gengler, Galveston, Galveston County;

Mr. E. V. Rhodes, Texas City, Galveston County;

Mr. A. W. Purdy, Galveston, Galveston County;

Mr Robert I. Cohen, Jr, Galveston, Galveston County.

To be member of Board of Regents of State Teachers Colleges:

(To succeed Ward Templeman, deceased) J. H. Powell, of Navasota, Grimes County, for a term expiring January, 1939.

To be member of State Medical Examiners:

Dr. H. H. Blankenmeyer, of Aransas Pass, San Patricio County, for reappointment.

ONEAL, Chairman.

Adopted.

S. C. R. No. 37.

Senator Rawlings received unanimous consent to suspend the regular order of business and sent up the following resolution:

Whereas, The Young Democrats of Texas will, on April 13, 1935, at Ft. Worth, present to the people of Texas a life sized portrait of the President of the United States, the Honorable Franklin Delano Roosevelt, which portrait has just been completed by Douglas Chandor of Texas, a world famous artist; and,

Whereas, It is befitting that such portrait be hung in the Capitol at Austin; therefore, be it

Resolved by the Senate, the House concurring, That the Lieutenant Governor of Texas be, and he is hereby directed to accept said portrait on behalf of the State of Texas, and that it be appropriately hung in the rotunda or in the entrance chamber to the rotunda of the Capitol where it can be visible to all who enter the Capitol of Texas; be it further

Resolved, That the Board of Control be instructed to appropriately place such portrait and arrange for the careful preservation of same.

RAWLINGS.

Senator Rawlings asked unanimous consent that the Senate rule requiring resolutions to be referred to a committee be suspended, and that S. C. R. No. 37 be taken up and considered at this time.

Unanimous consent was granted.

S. C. R. No. 37 was unanimously adopted.

Message from the Governor.

The Chair recognized the Door-keeper, who introduced a messenger from the Governor with the following message:

Executive Office,

Austin, Texas, April 12, 1935.

To the Senate of the Forty-fourth Legislature.

I ask the advice, consent and confirmation of the Senate to the following appointments:

To be member of the State Highway Commission for a six year term (succeeding W. R. Ely), beginning February 15, 1935, and to be Chairman for the ensuing biennium—

Harry Hines, of Wichita Falls, Wichita County.

To be members of Board of Regents of A. & M. College:

Joe Utay, of Dallas, Dallas County.

F. M. Law, of Houston, Harris County.

Walter Lacy, of Waco, McLennan County.

Respectfully submitted,

JAMES V. ALLRED,

Governor of Texas.

Read and referred to the Committee on Governor's Nominations.

House Bill No. 388.

Conferees Appointed.

The Chair announced the appointment of the conferees on H. B. No. 388 on the part of the Senate:

Senators Hopkins, Cotten, Holbrook, Martin and Collie.

Bills Referred.

H. B. No. 278, was referred to the Committee on Mining, Irrigation and Drainage.

H. B. No. 780, was referred to the Committee on Finance.

Corrected Amendment.

Senator Hill asked unanimous consent to have printed in the Journal a corrected copy of the following amendment so that it would reflect the proper meaning of the author.

Unanimous consent was granted.

The Legislature shall, upon the passage of this amendment, immediately enact a measure providing that no suit may be maintained in any court of this State to enforce the collection of any note or other evidence of debt unless and until the holder thereof has paid the ad valorem tax on the face value thereof in the county of his residence.

HILL,
SULAK,
BURNS,
BLACKERT.

Senators Excused.

The following Senators were excused on account of important business:

Senator Beck on motion of Senator Pace.

Senator Blackert on motion of Senator Pace.

Senator Woodruff received unanimous consent to be excused for the remainder of the day.

Bill Signed.

The Chair, Lieutenant Governor Walter F. Woodul, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following bill:

S. B. No. 367.

Message from the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, April 12, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill and resolutions:

S. B. No. 42, A bill to be entitled "An Act amending Article 5449, 1925 Civil Statutes, so as to provide that when any abstract of judgment has been recorded it shall, from the date of such record and index, operate as a lien upon all of the real estate of the defendant situated in the county where such record and index are made and upon all real estate which defendant may thereafter acquire, situated in said county during the life of the judgment, and declaring an emergency."

(With amendments.)

H. C. R. No. 78, Requesting the Chairman of the Civilian Conservation Corps to place certain camps upon the Trinity River.

S. C. R. No. 37, Relative to the presentation of a portrait of Franklin D. Roosevelt by the Young Democrats of Texas.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Senate Bill No. 366.

The question recurred on the motion to concur in House amendments to S. B. No. 366.

The motion prevailed by the following vote:

Yeas—24

Burns.	Neal.
Collie.	ONeal.
Cotten.	Pace.
Davis.	Poage.
DeBerry.	Rawlings.
Duggan.	Redditt.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.

Absent—Excused.

Beck.	Regan.
Blackert.	Stone.
Fellbaum.	Woodruff.

House Bill No. 189.

Pending business was the amendment by Senator Woodruff to H. B. No. 189.

The amendment failed of adoption by viva voce vote.

Senator Westerfeld sent up the following amendments:

Amend H. B. No. 189, Section 18, by striking out the word "December" where it appears and insert in lieu thereof the word "August."

SMALL.

Read and adopted.

Amend H. B. No. 189, Section 15, page 4 by placing a period at the end of line 28 after the word certificate, and by striking out lines 29 to 33 inclusive.

WESTERFELD.

Read and adopted by the following vote:

Yeas—19.

Collie.	Oneal.
Cotten.	Pace.
DeBerry.	Poage.
Duggan.	Redditt.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Martin.	Westerfeld.
Neal.	

Nays—2.

Rawlings.	Small.
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Absent.

Burns.	Moore.
Davis.	

Absent—Excused.

Beck.	Regan.
Blackert.	Stone.
Fellbaum.	Woodruff.

Senator Shivers sent up the following amendment:

Amend H. B. No. 189 by adding a new section to be known as Sec. 21-b:

"Nothing in this Act shall apply in cities, towns and villages of less than 2000 population."

SHIVERS.

Read.

Amend Shivers amendment to H. B. No. 189 by striking out the words "two thousand" and inserting in lieu thereof "twenty-five hundred."

SULAK.

Read.

Motion to Table.

Senator Small moved to table the amendment by Senator Sulak.

The motion to table prevailed by the following vote:

Yeas—11.

Collie.	Pace.
Cotten.	Poage.
Duggan.	Rawlings.
Hornsby.	Small.
Martin.	Van Zandt.
Oneal.	

Nays—7.

DeBerry.	Shivers.
Holbrook.	Sulak.
Hopkins.	Westerfeld.
Redditt.	

Present—Not Voting.

Moore.	Sanderford.
Neal.	

Absent.

Burns.	Hill.
Davis.	

Absent—Excused.

Beck.	Regan.
Blackert.	Stone.
Fellbaum.	Woodruff.

Senator Small moved to table the amendment by Senator Shivers.

The motion prevailed by the following vote:

Yeas—11.

Collie.	Oneal.
Cotten.	Poage.
Duggan.	Rawlings.
Hornsby.	Small.
Martin.	Van Zandt.
Neal.	

Nays—8.

DeBerry.	Redditt.
Holbrook.	Shivers.
Hopkins.	Sulak.
Pace.	Westerfeld.

Present—Not Voting.

Davis.	Sanderford.
Hill.	

Absent.

Burns.	Moore.
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Absent—Excused.

Beck.	Regan.
Blackert.	Stone.
Fellbaum.	Woodruff.

The bill was read second time as amended and passed to third reading by viva voce vote.

On motion of Senator Small the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 189 was put on its third reading and final passage by the following vote:

Yeas—22.

Collie.	Oneal.
Cotten.	Pace.
DeBerry.	Poage.
Duggan.	Rawlings.
Hill.	Redditt.
Holbrook.	Sanderford.
Hopkins.	Shivers.
Hornsby.	Small.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Nays—1.

Sulak.

Absent.

Burns.	Davis.
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Absent—Excused.

Beck.	Regan.
Blackert.	Stone.
Fellbaum.	

Senator Hornsby asked unanimous consent that subsection C of Sec. 21 of the printed bill be re-inserted in the bill.

Unanimous consent was granted.

Senator Small moved to amend the caption to conform to the body of the bill.

The motion prevailed by viva voce vote.

Read third time and finally passed by the following vote:

Yeas—21.

Burns.	Neal.
Collie.	Oneal.
Cotten.	Pace.
Davis.	Poage.
Duggan.	Rawlings.
Hill.	Redditt.
Holbrook.	Sanderford.
Hopkins.	Shivers.
Hornsby.	Small.
Martin.	Sulak.
Moore.	

Nays—3.

DeBerry.	Westerfeld.
Van Zandt.	

Absent—Excused.

Beck.	Regan.
Blackert.	Stone.
Fellbaum.	Woodruff.

Motion to Adjourn.

Senator Hopkins at 12:12 o'clock p. m., moved that the Senate adjourn until Monday morning at 10 o'clock a. m.

Motion to Recess

Senator DeBerry. moved that the Senate recess until 2 o'clock p. m.

Adjournment.

The motion to adjourn prevailed by the following vote:

Yeas—14.

Burns.	Moore.
Cotten.	Neal.
Duggan.	Rawlings.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Martin.	Van Zandt.

Nays—9.

Collie.	Poage.
DeBerry.	Redditt.
Hornsby.	Sulak.
Oneal.	Westerfeld.
Pace.	

Absent.

Davis.

Absent—Excused.

Beck.	Regan.
Blackert.	Stone.
Fellbaum.	Woodruff.

APPENDIX.**Committee Report.**

Committee Room,
Austin, Texas, April 10, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B. No. 369, A bill to be entitled "An Act making an appropriation to

be paid out of the General Revenue Fund of the State of Texas the sum of Six Thousand One Hundred Forty-eight Dollars and Eighty Cents (\$6,148.80) not otherwise appropriated, to cover taxes due by the State of Texas to the Sugarland Independent School District covering the years from 1918 to 1927, in-

clusive; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the committee substitute for said bill do pass and be printed in lieu of the original bill in bill form.

REDDITT, Chairman.

In Memory
of
Hon. Ward B. Templeman

Senate Resolution No. 72.

WHEREAS, On April 5, 1935, the Honorable Ward B. Templeman, a Member of the Board of Regents of the State Teachers Colleges of Texas, former Mayor of the City of Navasota, Member of the Brazos Reclamation Board, was called to his eternal rest; and,

WHEREAS, During his lifetime he served not only as a Member of the Board of Regents of the State Teachers Colleges of Texas, was Fire Chief of the City of Navasota for more than twenty years, was former City Alderman, General Manager of the Navasota Telephone Company and rendered distinguished service to his community and State as a private and public citizen; and

WHEREAS, His passing is deeply mourned by the Members of the Senate and by the citizens of the State of Texas; and therefore, be it

RESOLVED, by the Senate of the State of Texas that we express to the immediate Members of the family of the deceased our sincere sympathy and regret upon the passing of this distinguished citizen and that a copy of this resolution be sent to each member of the family of the deceased and that when the Senate stands adjourned today that it do so in respect to the Honorable Ward B. Templeman.

Senator Burns asked unanimous consent that the names of all the members of the Senate be added.

BURNS,
HOLBROOK,
BECK,
BLACKERT,
COLLIE,
COTTEN,
DAVIS,
DeBERRY,
DUGGAN,
FELLBAUM,
HILL,

HOPKINS,
HORNSBY,
MARTIN,
MOORE,
NEAL,
ONEAL,
PACE,
POAGE,
RAWLINGS,
REDDITT,

REGAN,
SANDERFORD,
SHIVERS,
SMALL,
STONE,
SULAK,
VAN ZANDT,
WESTERFELD,
WOODRUFF.
WOODUL, Lt. Gov.

Read and unanimously adopted by a rising vote.